

REMARKS

Claims 1-15 and 21 are pending in this application. Claims 1 and 11 are amended. No new matter is added. Reconsideration of the rejections in view of the following remarks is respectfully requested.

Claims Patentable over Kielbania under §102

Claims 1-5, 8, 11, 15, and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,945,473 to Kielbania et al. (Kielbania). Applicants respectfully traverse this rejection.

Claim 1 recites, *inter alia*, “an aqueous resinous fiber binder, said fibers fixedly distributed in said binder; and a water-based urethane modifier.” Claim 11 recites, *inter alia*, “a fixative composition comprising an aqueous fiber binder and a water based polyurethane modifier.” Support for the amendments may be found in at least paragraphs [0010], [0022], [0027], [0031], [0032], [0036], [0037], and original Claim 16. Kielbania fails to disclose, teach or suggest a fiber mat comprising an aqueous resinous fiber binder and a water-based urethane modifier as recited in independent claims 1 and 11 of the present application. Kielbania’s resinous binders are insoluble in water, and further require the use of an ethylenically unsaturated monomer solvent. According to Kielbania, the resinous binder is insoluble in water and is not dispersible itself in water without the aid or use of a surfactant. (Kielbania Col. 6: 58-60, Col. 7:26-48, Col. 8:7-20 and 39-44, Col. 9:54-56, Col 10:20-26, and Examples and Claims). In Kielbanina, the compounds forming the water-dispersible polyurethanes, and the compounds forming

the water-insoluble polyurethanes used as the resinous binder, are mutually exclusive. (Kielbania col. 7, lines 45-48).

In addition, the composition of Kielbania requires the presence of three components, a water-dispersible polyurethane, a polymer prepared from an ethylenically unsaturated monomer, and at least one additional polymer, a polymeric performance enhancer ("PPE"), resulting in an aqueous dispersion containing at least three discrete polymeric components. (Kielbania col. 1, lines 11-16, col. 2, line 65-col. 3, line 5, col. 6, lines 40-60, col. 10, lines 27-31 and 40-48, Examples, and Claims). The PPE, or resinous binder, of Kielbania is insoluble in water and "refers to a polymer that is contacted simultaneously with an aqueous dispersion of the water-dispersible polyurethane and the ethylenically unsaturated monomer under conditions effective to polymerize the ethylenically unsaturated monomer." (col. 6, lines 40-46). The non-aqueous resinous binder of Kielbania requires the use of the ethylenically unsaturated monomer as a solvent or surfactant. (col. 6, lines 51-53 and 58-60, col. 7, lines 37-39 and 45-48, col. 9, lines 54-56, col. 10, lines 20-26). As presently claimed, an embodiment of the present invention does not require three polymeric components, and does not result in an aqueous dispersion containing at least three discrete polymeric components.

Therefore, Kielbania fails to teach each and every element of independent claims 1 and 11. Dependent claims 2-10, 12-15, and 21 depend, directly or indirectly, from independent claim 1 or 11 and, thus, inherit the patentable subject matter of claims 1 or 11 while adding or further defining elements. Therefore, claims 1-15, and 21 are patentable over Kielbania under §102. Accordingly, for at least these reasons,

reconsideration and withdrawal of the rejection is respectfully requested.

Claims Patentable over the Combination of Kielbania and Heine under §103

Claims 1-15, and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kielbania in view of U.S. Patent No. 6,146,705 to Heine (Heine). Applicants respectfully traverse this rejection.

For the reasons discussed above, Kielbania fails to teach the claimed aqueous resinous fiber binder. Heine also fails to teach the claimed aqueous resinous fiber binder. Therefore, the combination of Kielbania and Heine is defective for failing to disclose, teach, or suggest the claimed aqueous resinous fiber binder. Therefore, claims 1-15, and 21 are patentable over the combination of Kielbania and Heine under §103. Accordingly, for at least these reasons, reconsideration and withdrawal of the rejection is respectfully requested.

Conclusion

Applicants respectfully submit that the claims of the present application define patentable subject matter and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number below.

Attached is a Request for Continued Examination and petition for a two month extension of time.

Respectfully submitted,

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